

REMARKS

Claims 1-24 are currently pending in the subject application, and are presently under consideration. Claims 1-24 are rejected. Claims 1-2, 5-6 and 18 have been amended. Claims 7 and 20 have been canceled, accordingly. Favorable reconsideration of the application is requested in view of the amendments and comments herein.

I. Specification

The use of the trademark "DataCard 9000" only appeared in the original claims. It is respectfully submitted that the claims have been amended and no longer recite a "DataCard 9000," and thus, the Specification is no longer objectionable.

II. Double Patenting

Claims 7 and 8 have been indicated to be duplicates. As stated above, claim 7 has been canceled. Accordingly, the Double Patenting objection should be withdrawn.

III. Rejection of Claims 5 and 20 Under 35 U.S.C. §112

Claims 5 and 20 have been objected to for having insufficient antecedent basis for specific elements in the claims.

Claims 5 has been amended. It is respectfully submitted that claim 5 is no longer rejectable under 35 U.S.C. §112.

As stated above, claim 20 has been canceled. Accordingly, the rejection of claim 20 is now moot.

IV. Objection of Claims 6 and 18

Claims 6 and 18 are objected to because of their use of the trademark, or trade name, DataCard 9000.

Claims 6 and 18 have been amended. It is respectfully submitted that claims 6 and 18 are no longer objectionable.

V. Rejection of Claims 1-3, 5, 9-13, 15-17, 19, 21, 23 and 24 Under 35 U.S.C. §102(e)

Claims 1-3, 5, 9-13, 15-17, 19, 21, 23 and 24 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Publication NO. 2002/0112156 to Gien ("Gien"). Withdrawal of this rejection is respectfully requested for at least the following reasons.

Claim 1 has been amended to recite installing an operating system on a token at a secure processing facility, writing a unique key encipherment certificate on the token at the secure processing facility, writing a Root Certificate Authority certificate onto the token at the secure processing facility, writing a unique private key onto the token at the secure processing facility, the unique private key being the matching key for the unique key encipherment certificate and loading a software package onto the token at the secure processing facility, the software package capable of cryptologically validating future keys and certificates, decrypting the keys and certificates and installing the keys and certificates in the token.

Gien does not disclose receiving a commercially available token at a secure processing facility and at the secure processing facility, installing an operating system, writing a unique key encipherment certificate onto the token and loading a software package onto the token, as recited in amended claim 1. Gien discloses that the manufacturing *and* personalization (initial key loading or issuer specific data) of smartcard tokens must take place in a production environment (See Gien, Para. [0075]). In amended claim 1, a commercially available token is received at a secure processing facility. Thus, it is clear that the token recited in amended claim 1 need not be manufactured at the secure processing facility. Conversely, in Gien, the tokens are manufactured and initialized in the same place, namely, a secure environment (See Gien, Para. [0007]). Amended claim 1 recites no such limitation. That is, in amended claim 1, the token need not be manufactured at the secure processing facility. Thus, Gien does not disclose receiving a commercially available token at a secure processing facility, as recited in amended claim 1.

Accordingly, Gien does not disclose each and every element of amended claim 1. Consequently, amended claim 1 is not anticipated by the cited art, and should be patentable.

Claims 2-3, 5 and 9-13 depend from amended claim 1 and are patentable for the same reasons as amended claim 1 and for the specific elements recited therein.

Additionally, Gien does not disclose wiping the contents of a token at a secure processing facility, as recited in claim 2. Gien discloses that life-cycle status of a smartcard token must be irreversible, i.e., it must not be possible to erase the card and start the personalization again, unless all private key material from a personalization can be completely erased so that it cannot be recovered before, during or after the second personalization (See Gien, Para. [0071]). Gien does not disclose any particular location where the second personalization occurs. That is, Gien does not disclose wiping the contents of a token at a secure processing facility, as recited in amended claim 2. Accordingly, Gien does not disclose each and every element of amended claim 2.

Claim 15 recites a token, a token initialization machine, a secure processing facility and a Root Certificate Authority, the Root Certificate Authority signing certificates of the secure processing facility and the secure processing facility receiving the token and using the token initialization machine to install an operating system on the token, write a unique key encipherment certificate on the token, write a unique key encipherment certificate on the token, write a certificate of the Root Certificate Authority onto the token, write a unique private key onto the token, and load a software package onto the token where the software package is capable of cryptologically validating future keys and certificates, decrypting the keys and certificates, and installing the keys and certificates in the token. 9

Gien does not disclose a secure processing facility receiving a token, and using a token initialization machine, as recited in claim 15. In claim 15, since the secure processing facility receives the token, it is clear that the token need not be manufactured at the secure processing facility. Conversely, as stated above with respect to amended claim 1, Gien discloses that a smartcard is manufactured and initialized in a production environment. Thus, Gien does not disclose that a secure processing facility receives a token, as recited in claim 15. Accordingly,

Gien does not disclose each and every element of claim 15. Thus, claim 15 is not anticipated by the cited art, and claim 15 should be patentable.

Claims 16-17, 19 and 21 depend either directly or indirectly from claim 15 and are not anticipated by the cited art for the same reasons as claim 15, and for the specific elements recited therein. Accordingly, claims 16-17, 19 and 21 should be patentable.

Claim 23 recites receiving a commercially available token, installing an operating system on the token, writing a unique key encipherment certificate onto the token, writing a Root Certificate Authority certificate onto the token, writing a unique private key onto the token and loading a software package onto the token. For the reasons stated above with respect to amended claim 1, Gien does not disclose receiving a commercially available token, as recited in claim 23. Thus, Gien does not disclose each and every element of claim 23. Thus, claim 23 is not anticipated by the cited art, and claim 23 should be patentable.

Claim 24 depends from claim 23 and is not anticipated by the cited art for the same reasons as claim 23 and for the specific elements recited therein. Accordingly, claim 24 should be patentable.

For the reasons described above, claims 1-3, 5, 9-13, 15-17, 19, 21, 23 and 24 should be patentable over the cited art. Accordingly, withdrawal of this rejection is respectfully requested.

VI. Rejection of Claim 4 Under 35 U.S.C. §103(a)

Claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Gien in view of U.S. Patent No. 5,721,781 to Deo ("Deo"). Withdrawal of this rejection is respectfully requested for at least the following reasons.

Claim 4 depends from amended claim 1 and is patentable for substantially the same reasons as amended claim 1, and for the specific elements recited therein. The addition of Deo does not cure the aforementioned deficiencies of Gien. That is, Gien and Deo, taken individually or in combination do not teach or suggest receiving a commercially available token, as recited in amended claim 1, from which claim 4 depends. Accordingly, Gien and Deo, taken individually or in combination do not teach or suggest each and every element of claim 4. Thus, claim 4 is

not rendered obvious by Gien in view of Deo, and claim 4 should be patentable over the cited art. Consequently, withdrawal of this rejection is respectfully requested.

VII. Rejection of Claims 6 and 18 Under 35 U.S.C. § 103(a)

Claims 6 and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Gien in view of U.S. Patent No. 6,290,137 to Kiekhaefer ("Kiekhaefer"). Withdrawal of this rejection is respectfully requested for at least the following reasons.

Amended claim 6 depends from amended claim 1 and is patentable for substantially the same reasons as amended claim 1 and for the specific elements recited therein. The addition of Kiekhaefer does not cure the aforementioned deficiencies of Gien. That is, Gien and Kiekhaefer, taken individually or in combination do not teach or suggest receiving a commercially available token at a secure processing facility, as recited in amended claim 1, from which amended claim 6 depends. Accordingly, Gien and Kiekhaefer taken individually or in combination, do not teach or suggest each and every element of amended claim 6. Thus, amended claim 6 is not rendered obvious by the cited art. Consequently, amended claim 6 should be patentable.

Claim 18 depends from claim 15 and is patentable for substantially the same reasons as claim 15, and for the specific elements recited therein. The addition of Kiekhaefer does not cure the aforementioned deficiencies of Gien. That is, Gien and Kiekhaefer, taken individually or in combination do not teach or suggest a secure processing facility receiving a token, as recited in claim 15, from which claim 18 depends. Accordingly, Gien and Kiekhaefer taken individually or in combination, do not teach or suggest each and every element of claim 18. Thus, claim 18 is not rendered obvious by the cited art. Consequently, claim 18 should be patentable.

For the reasons described above, claims 6 and 18 should be patentable over the cited art. Accordingly, withdrawal of this rejection is respectfully requested.

VIII. Rejection of Claims 7 and 8 Under 35 U.S.C. § 103(a)

Claims 7 and 8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Gien in view of European Patent No. 117206A2 to Corella ("Corella"). Withdrawal of this rejection is respectfully requested for at least the following reasons.

As stated above, claim 7 has been canceled. Accordingly, the rejection of claim 7 is now moot.

Claim 8 depends from amended claim 1. Claim 8 is patentable for substantially the same reasons as amended claim 1 and for the specific elements recited therein. The addition of Corella does not cure the aforementioned deficiencies of Gien. That is, Corella and Gien, taken individually or in combination do not teach or suggest receiving a commercially available token at a secure processing facility, as recited in amended claim 1, from which claim 8 depends. Accordingly, taken individually or in combination, Corella and Gien do not teach or suggest each and every element of claim 8. Thus, claim 8 is not rendered obvious by the cited art, and claim 8 should be patentable.

IX. Rejection of Claims 14, 20 and 22 Under 35 U.S.C. § 103(a)

Claims 14, 20 and 22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Gien in view of Corella in view of U.S. Patent No. 6,738,901 to Boyles ("Boyles"). Withdrawal of this rejection is respectfully requested for at least the following reasons.

Claim 14 depends indirectly from amended claim 1. Claim 14 is patentable for substantially the same reasons as amended claim 1, and for the specific elements recited therein. The addition of Corella and Boyles do not cure the aforementioned deficiencies of Gien. That is, Gien, Corella and Boyles, taken individually or in combination, do not teach or suggest receiving a commercially available token at a secure processing facility, as recited in amended claim 1, from which claim 14 depends. Accordingly, taken individually or in combination fail to teach or suggest each and every element of claim 14. Thus, claim 14 is not rendered obvious by the cited art, and claim 14 should be patentable.

As stated above claim 20 has been canceled. Accordingly the rejection of claim 20 is now moot.

Claim 22 depends from claim 15. Claim 22 is patentable for substantially the same reasons as claim 15, and for the specific elements recited therein. The addition of Corella and Boyles do not cure the aforementioned deficiencies of Gien. That is, Gien, Corella and Boyles taken individually or in combination do not teach or suggest that a secure processing facility receives a commercially available token, as recited in claim 15, from which claim 22 depends. Accordingly, taken individually or in combination fail to teach or suggest each and every element of claim 22. Thus, claim 22 is not rendered obvious by the cited art, and claim 22 should be patentable.

For the reasons described above, claims 14 and 22 should be patentable over the cited art. Accordingly, withdrawal of this rejection is respectfully requested.

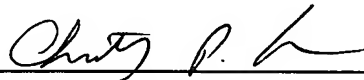
CONCLUSION

In view of the foregoing remarks, Applicant respectfully submits that the present application is in condition for allowance. Applicant respectfully requests reconsideration of this application and that the application be passed to issue.

Please charge any deficiency or credit any overpayment in the fees for this amendment to our Deposit Account No. 20-0090.

Respectfully submitted,

Date 12/27/05



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